

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ELOUISE DENEND,
also known as the Tenth Street
Money Store

Plaintiffs,

v.

TENNESSEE DEPT. OF
FINANCIAL INSTITUTIONS,
Compliance Department

Defendant.

NO. 3:09 cv 1089
JUDGE HAYNES

ORDER

Plaintiff, Elouise Denend , also known as Tenth Street Money Store filed this pro se action against the Defendant Tennessee Department of Financial Institutions, Compliance Department alleging a discriminatory audit that resulted in a consent agreement that she now seeks to enjoin. Plaintiff has also filed a motion for a emergency hearing to enjoin payments under that agreement. The complaint does not identify the bases for the Court's jurisdiction.

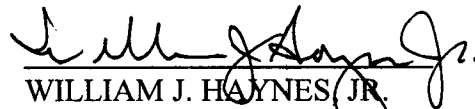
Plaintiff has the burden to allege the pleading requirements necessary to establish the Court's jurisdiction. Gibbs v. Buck, 307 U.S. 66, 71 (1939). Even pro se litigants must comply with basic pleading requirements. Moore v. City of Harriman, 272 F.3d 769, 786 (6th Cir. 2001). Because the Defendant is a state entity, the most apparent basis for this Court's jurisdiction would be under 42 U.S.C. § 1983, but for jurisdiction under that statute, the named defendant must be a proper person and neither a State nor an agency of the State can be a proper defendant in a Section 1983. Will v. Michigan Dept. of State Police, 491 U.S. 58, 64 (1989). Thus,

Plaintiff's complaint fails to state a claim upon which relief can be granted and her motion for an emergency hearing (Docket Entry No. 2) is **DENIED**. This action is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii). Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 13th day of November, 2009.


WILLIAM J. HAYNES JR.
United States District Judge